

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claim 21 to include the limitations of claims 22 and 23, and amended claim 27 to include the limitations of claims 28-30; thus, claims 22, 23, and 28-30 have been cancelled. Because the claim amendments only include claim limitations previously-pending, no new subject matter has been added to the claims. To focus the prosecution, the Applicant has further cancelled claims 34 and 37. Accordingly, claims 21, 24-27, 31-33, 35 and 36 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 21-29 and 31 as being unpatentable over Danford-Klein, *et al.* (US 6041318) in view of McCann, *et al.* (US 6778524); claims 31, 16, 18 and 19 as being unpatentable over Danford-Klein in view of Motohashi, *et al.* (US 5946670); claim 32 as being unpatentable over Danford-Klein in view of Motohashi and further in view of McCann, *et al.* (US 20010029182); and claim 34 as being unpatentable over Danford-Klein in view of Motohashi and further in view of Frazee, *et al.* (US 6829596). Claim 21 has been amended to include the limitations of claims 22 and 23 and claim 27 has been amended to include the limitations of claims 28-30. Accordingly, the Applicant will address the rejection of claims 21 and 27 in view of the Examiner's stated reasons for rejection of claims 22-23 and 28-30, respectively, which have been cancelled.

Claim 21 recites:

21. A method for determining rating data for services in a communications network, comprising the steps of:

- accessing data associated with a service or a subscriber;
- sending a rating request, including said accessed data, to a distributed rating means for distributed rating based on distributed rating data related to said service or subscriber;
- receiving resulting rating data from said distributed rating means;
- and,

determining a rating value for charging said subscriber based on said received rating data;
wherein said distributed rating means is operated by a service provider, content provider, or value added service provider; and,
wherein said rating request is sent from central rating means operated by a network operator. (emphasis added)

In rejecting the elements of claims 22 and 23, now incorporated in claim 21, the Examiner relies on the combined teachings of Danford-Klein and McCann. With respect to the teachings of Danford-Klein, the Examiner asserts that it teaches "a method for determining rating data for services in a communications network." The Applicant disagrees with this characterization of the teachings of Danford-Klein. Danford-Klein does disclose a system in which rating data is determined, but it is not for services in a communications network, but merely uses a communication network in a process for determining the price for a shipment of goods; *i.e.*, the providing of a good or service *external* to the network. In contrast, Applicant's claimed invention relates to the determination of rates for services provided within the communications network; *e.g.*, a service or content provided by a "service provider," "content provider" or "value added service provider," wherein a "distributed rating means is operated by" one of those providers and wherein a "rating request is sent from central rating means operated by a network operator." Those aspects of Applicant's claimed invention are not taught, or suggested by Danford-Klein. Neither are they taught by McCann.

In specifically rejecting the elements of claim 22, the Examiner points to "column 3, lines 23-37, figure # 4," but does not say of which reference. The Applicant can only assume that the Examiner is referring to Danford-Klein, since McCann does not include column and line references. The references portion and figure of Danford-Klein refers to a "service engine," but fails to disclose anything remotely-related to a "distributed rating means . . . operated by a service provider, content provider, or value added service provider." The Examiner apparently recognizes the limitations of Danford-Klein, and points to the teachings of McCann as teaching a "distributed scribe," and that it would be obvious to incorporate "the a [*sic*] subscriber" as taught by McCann in the method of Danford-Klein "to allow data access in the event of route failures." The Applicant fails to

understand what the Examiner means – the Applicant's invention does not include any limitation to a "distributed scribe," but to a "distributed rating means . . . operated by a service provider, content provider, or value added service provider." Furthermore, the purpose of the Applicant's invention is not directed to a problem of "allow[ing] data access in the event of route failures." Therefore, there is nothing obvious about the Examiner's combination of the teachings of Danford-Klein and McCann that would render the claimed invention unpatentable in view of those references.

Furthermore, in specifically rejecting the elements of claim 23, the Examiner points to "column 4, lines 23-42, figure # 14," but does not say of which reference. Again, the Applicant can only assume that the Examiner is referring to Danford-Klein, since McCann does not include column and line references. Danford-Klein, however, does not include a "figure # 14;" therefore, the Examiner's stated basis for rejection is unsupported. The Applicant has reviewed the whole of Danford-Klein, and has found no teaching of a "rating request [that] is sent from [a] central rating means operated by a network operator." Therefore, the limitation of claim 23, now incorporated in claim 21, is not taught or suggested by Danford-Klein, nor McCain.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness of claim 21, as amended to include the limitations of claims 22 and 23. Similarly, claim 27 has been amended to include the limitations of claims 28-30, and now recites limitations analogous to those of claim 21. Therefore, claim 27 is also not obvious over Danford-Klein in view of McCann. Furthermore, whereas claims 24-26 are dependent from claim 21, and include the limitations thereof, they are also not obvious over Danford-Klein in view of McCann.

With respect to claim 31, the Examiner also rejects it in view of Danford-Klein, stating that Danford-Klein teaches "determin[ing] a rating value for charging a pre-paid account of said subscriber based on said received rating data." The Examiner proceeds to further state, however, that "Danford-Klein . . . fails to show a value for charging a pre-paid account of said subscriber based on said received rating data." The Applicant, again, fails to understand the Examiner's conflicting statements. The Applicant has reviewed the complete teachings of Danford-Klein and, as noted above, it fails to teach

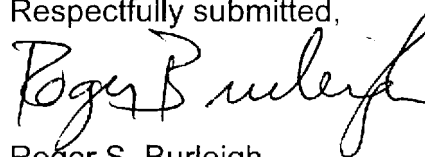
any type of system or method for determining rating data, or values, for "services in a communications network" and, furthermore, does not teach doing so for "pre-paid" services in a communications network, as recited in claim 31. This fact has been verified by doing a keyword search on an electronic copy of Danford-Klein. Therefore, the Examiner has not established a *prima facie* case of obviousness of claim 31. Furthermore, whereas claims 32, 33, 35 and 36 are dependent from claim 31, and include the limitations thereof, those claims are also not obvious over Danford-Klein in view of any of the other references cited by the Examiner.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 21, 24-27, 31-33, 35 and 36.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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